



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

JMH
F. #2013R00948

*610 Federal Plaza
Central Islip, New York 11722*

August 6, 2021

By ECF and Email

The Honorable Joseph F. Bianco
Visiting United States Circuit Judge
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

Re: United States v. Phillip A. Kenner
Criminal Docket No. 13-607 (JFB)

Dear Judge Bianco:

The government writes with the consent of the above-referenced defendant's standby counsel to respectfully request that the telephone conference set for today at 9:00 a.m. be rescheduled for Friday, August 13, 2021, at 9:00 a.m., by videoconference.

The government provided the telephone conference joining details to the Metropolitan Detention Center ("MDC") earlier this week and submitted a request for production (a "475") per its standard practice. The government understands based upon conversations with standby counsel that standby counsel had also alerted the defendant of today's conference and that the conference would be via telephone. The defendant was not produced for the telephone conference. Based upon discussions with MDC representatives, the government understands that, at the time of the scheduled conference, the defendant was transported to one of the visiting rooms at MDC, apparently at the defendant's request, notwithstanding the scheduled conference. There is no telephone or videoconferencing capability at that location within MDC. MDC personnel further advised the government that it would take a substantial amount of time to return the defendant to a location within MDC where he could join the conference by telephone or video, making the conference today impractical.

Accordingly, the parties respectfully request that the conference be rescheduled for Friday, August 13, 2021, at 9:00 a.m., by videoconferencing means. The parties understand that the Court is available based upon discussions with Your Honor's

deputy, and the government understands that MDC has capacity on Friday, August 13, to accommodate a videoconference at 9:00 a.m.

Respectfully submitted,

JACQUELYN M. KASULIS
Acting United States Attorney

By:



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cc: Clerk of Court (JFB) (By ECF and Email)
Phillip A. Kenner, pro se (By U.S. Mail)
Matthew Brissenden (standby counsel)